

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

Carlos Lopez,

Defendant.

16-CR-317 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the attached letter from sentenced defendant Carlos Lopez, seeking a transfer from the MDC to a longer-term facility. Although prison designations and the timing of transfers are matters which with the Bureau of Prisons and not the courts are tasks, the Court shares Mr. Lopez's concerns about the length of his post-sentencing tenure in the MDC. The Court asks Lopez's trial counsel, Florian Miedel, Esq., to investigate this issue and notify the Court, by letter due March 5, 2021, whether any judicial recommendation or other action would be fruitful. The Clerk of Court is respectfully directed to mail a copy of this order to Mr. Lopez.

SO ORDERED.

  
PAUL A. ENGELMAYER  
United States District Judge

Dated: February 19, 2021  
New York, New York

Carlos Lopez - 79367-054  
Criminal Case 16 CR.317 (PAE) (SDNY)  
Metropolitan Detention Center Brooklyn  
P.O. Box 329002  
Brooklyn, NY, 11232

**16-CR-317-22**

**D&F**

Judge Paul Englemayer  
United States District Court Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

01/05/2020

Dear Your Honorable Judge Paul Englemayer;

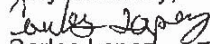
I am writing you to help me in my current dire situation. After you resentenced me on November 4th, 2020, I was previously and am still currently being held in MDC Brooklyn where the Corona Virus / Covid-19 and the living conditions here are quite serious. We have been on a constant lock down since March 16th, 2020 and my attorney failed to bring this up at my resentencing. We have been confined to our cells for an average of 23.5 hours a day with only 30 minutes to come out to shower, use the computer, and to reach out to family and our legal counsel only Monday to Friday. Weekends we are on constant lockdown. For the first 6 weeks, we were only aloud out every Monday, Wednesday, and Friday for 5 minutes to take a shower and then immediately return to our cells. We also for over 6 weeks were given 2 cold boxed meals and only one hot meal. We weren't even aloud to go to commissary and were reduced to a limit of \$50.00 for spending from our normal \$160.00. Many of us use this to compensate our dietary needs. It has been documented extensively on the news both locally and nationally.

I recently have been given a cellmate that has had Covid and became infected here. I am attaching his paperwork for your review as well as documents pertaining to the living situation we are enduring. I suffer from asthma as well as have a heart murmur which is well documented in my medical file at the FBOP. (Which I would happily request and provide you for your review) I know I have committed the crimes I was accused of and I have taken responsibility for my actions. I am serving my sentence but I don't believe after having endured so much of my sentence to be possibly at risk of death over this situation.

I have spoken to my counselors here and there is nothing they can do. I am awaiting transfer to my next prison but they with the spike here recently, a corrections officer told me that there was an entire unit (73) that all the inmates within the unit were infected and they quarantined all 119 inmates. Then another unit had it and 79 inmates were infected. I try and be extra diligent in wearing PPE but now I am living with someone that maybe able to be reinfected. There are too many inmates for a private cell and transferring to another unit, I would encounter the same situation.

I am humbly asking for your assistance in this and to please intervene with what ever you can do with your authority. I thank you most sincerely ahead of time with what ever you can do.

Very Sincerely,

  
Carlos Lopez - 79367-054

Report Status: Final  
VILELLA, LUIS

Patient Information	Specimen Information	Client Information
<b>VILELLA, LUIS</b> DOB: 05/13/1992 AGE: 28 Gender: M Phone: 718.840.4200 Patient ID: 75407-066 Health ID: 8573025246085242	Specimen: NJ151184N Requisition: 0001173  Collected: 11/30/2020 Received: 12/01/2020 / 05:16 EST Reported: 12/03/2020 / 05:42 EST	Client #: 48050519 NYNJMAIL BIALOR, BRUCE MDC BROOKLYN Attn: MILCA LOPEZ 80 29TH ST BROOKLYN, NY 11232-1503

**SARS CoV 2 (COVID-19) Tests**

Test Name	Result	Reference Range	Lab
SARS CoV 2 RNA(COVID 19), QUALITATIVE NAAT			QTE
SARS CoV 2 RNA	DETECTED	NOT DETECTED	
<p>A Detected result is considered a positive test result for COVID-19. This indicates that RNA from SARS-CoV-2 (formerly 2019-nCoV) was detected, and the patient is infected with the virus and presumed to be contagious. If requested by public health authority, specimen will be sent for additional testing.</p> <p>Please review the "Fact Sheets" and FDA authorized labeling available for health care providers and patients using the following websites:  <a href="https://www.questdiagnostics.com/home/Covid-19/HCP/NAAT/fact-sheet2">https://www.questdiagnostics.com/home/Covid-19/HCP/NAAT/fact-sheet2</a> <a href="https://www.questdiagnostics.com/home/Covid-19/Patients/NAAT/fact-sheet2">https://www.questdiagnostics.com/home/Covid-19/Patients/NAAT/fact-sheet2</a></p> <p>This test has been authorized by the FDA under an Emergency Use Authorization (EUA) for use by authorized laboratories.</p> <p>Due to the current public health emergency, Quest Diagnostics is receiving a high volume of samples from a wide variety of swabs and media for COVID-19 testing. In order to serve patients during this public health crisis, samples from appropriate clinical sources are being tested. Negative test results derived from specimens received in non-commercially manufactured viral collection and transport media, or in media and sample collection kits not yet authorized by FDA for COVID-19 testing should be cautiously evaluated and the patient potentially subjected to extra precautions such as additional clinical monitoring, including collection of an additional specimen.</p> <p>Methodology: Nucleic Acid Amplification Test (NAAT) includes RT-PCR or TMA</p> <p>Additional information about COVID-19 can be found at the Quest Diagnostics website: <a href="http://www.QuestDiagnostics.com/Covid19">www.QuestDiagnostics.com/Covid19</a>.</p> <p>Physician Comments:</p>			

**PERFORMING SITE:**

QTE QUEST DIAGNOSTICS-TETERBORO, 1 MALCOLM AVENUE, TETERBORO, NJ 07608-1011 Laboratory Director: LAWRENCE TSAO, MD, CLIA: 31D0696246

**LIST OF RESULTS PRINTED IN THE OUT OF RANGE COLUMN:**

SARS CoV 2 RNA

DETECTED

NOT DETECTED

QTE

A Detected result is considered a positive test result for COVID-19. This indicates that RNA from SARS-CoV-2 (formerly 2019-nCoV) was detected, and the patient is infected with the virus and presumed to be contagious. If requested by public health authority, specimen will be sent for additional testing.

Please review the "Fact Sheets" and FDA authorized labeling available for health care providers and patients using the following websites:  
<https://www.questdiagnostics.com/home/Covid-19/HCP/NAAT/fact-sheet2>  
<https://www.questdiagnostics.com/home/Covid-19/Patients/NAAT/fact-sheet2>

This test has been authorized by the FDA under an Emergency Use Authorization (EUA) for use by authorized laboratories.

CLIENT SERVICES: 866.697.8378

SPECIMEN: NJ151184N

PAGE 1 OF 2

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Various copies + 750 +  
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P.O. Box 329002  
Brooklyn, NY 11232

NEW YORK NY 100

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To: Honorable Judge Paul Engelmayer  
U.S. District Court Judge

40 Foley Square  
New York, NY 10007

LEAK  
PMT

10007-150299

